

# **TROY CITY COUNCIL**

## **AGENDA**

November 20, 2000- 7:30 P.M.  
Council Chambers - City Hall  
500 West Big Beaver, Troy, Michigan  
(248) 524-3300

## **INVOCATION**

Minister Ryan Stuart – Zion Christian Church

## **ROLL CALL**

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## **PUBLIC HEARINGS**

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## **CONSENT AGENDA**

**The consent agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the consent agenda. Any Council Member may remove an item from the consent agenda and have it considered as a separate item. A member of the audience who wishes to speak in opposition to the recommended action for any given consent agenda item may do so with the approval of a majority vote of City Council. Any item so removed from the consent calendar shall be considered after other items on the consent business portion of the agenda have been heard. (Rules of Procedure for the City Council, Article 10, as amended April 12, 1999.)**

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## **REGULAR BUSINESS**

**Persons interested in addressing City Council on items, which appear on the printed Agenda, may do so at the time the item is discussed. For those addressing City Council, time may be limited to not more than twice nor longer than five (5) minutes on any question, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 12, as amended April 12, 1999.**

**Persons interested in addressing City Council on items, which are not on the printed Agenda, may do so under the last item of the Regular Business (F) Section.**

F-1	Nominations/Appointments to Boards and Committees: (a) Animal Control Appeal Board; (b) Advisory Committee for Persons with Disabilities; (c) Charter Revision Commission; (d) Downtown Development Authority; (e) Economic Development Authority; (f) Municipal Building Authority	8
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## **COUNCIL COMMENTS**

## **COUNCIL REFERRALS**

## **VISITORS**

**Any person not a member of the Council may address the Council with the permission of the Mayor, after clearly stating the nature of his/her inquiry. Any such matter may be deferred to another time or referred for study and recommendation upon the request of any one Council Member except that by a majority vote of the Council Members elect, said matter may be acted upon immediately. The Mayor may require that such inquiries or comments be heard at such time as the related subject may appear on the prepared Agenda. No person not a member of the Council shall be allowed to speak more than twice or longer than five (5) minutes on any question, unless so permitted by the Chair. The Council may waive the requirements of this section by a majority of the Council Members elect. (Rules of Procedure for the City Council, Article 12, as amended April 12, 1999.)**

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**Call to Order:**

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**Invocation and Pledge of Allegiance: Minister Ryan Stuart – Zion Christian Church**

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**Roll Call:**

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Mayor Jeanne M. Stine  
Henry W. Allemon  
Martin F. Howrylak  
Thomas S. Kaszubski  
Anthony N. Pallotta  
Louise E. Schilling  
John R. Stevens

**Minutes: Regular Meeting of November 6, 2000**

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**A-1**Suggested Resolution

Resolution #2000-

Moved by

Seconded by

RESOLVED, That the Minutes of the Regular Meeting of November 6, 2000 be approved.

Yes:

No:

**Presentation: Red Ribbon Campaign**

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**A-2****PUBLIC HEARINGS****Ancor Holdings, Inc., 1225 E. Maple, Troy, MI 48083-5600, Request for Industrial Facilities Exemption Certificate**

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**C-1**

The Public Hearing for Ancor Holdings, Inc., 1225 E. Maple, Troy, MI 48083-5600, Request for Industrial Facilities Exemption Certificate is withdrawn at the request of the petitioner.

No public notice of the Public Hearing was published.

Yes:

No:

**Public Hearing - Local Law Enforcement Grant**

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**C-2**Suggested Resolution

Resolution #2000-

Moved by

Seconded by

RESOLVED, That the Public Hearing for the Local Law Enforcement Grant be rescheduled for

Monday, December 4, 2000.

Yes:

No:

### TABLED ITEM

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**Bid Award - 50/50 Tee Shirts, 100% Cotton Tee Shirts****D-1**Suggested Resolution

Resolution #2000-

RESOLVED, That a contract to provide 50/50 tee shirts and 100% cotton award shirts for the Parks and Recreation Department adult and youth sports programs beginning October 1, 2000 through September 30, 2001 is hereby awarded to the low bidders, Kel Graphics and All Star Graphics, at the estimated annual amounts of \$3,870.00 and \$17,521.00 respectively, at unit prices contained in the bid tabulation opened October 2, 2000, a copy of which shall be attached to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the optional prices submitted for the 2001-2002-program year are hereby rejected, as prices submitted are not cost effective.

Yes:

No:

### CONSENT AGENDA

The Consent Agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council Member may remove an item from the Consent Agenda and have it considered as a separate item. *A member of the audience who wishes to speak in opposition to the recommended action for any given Consent Agenda item may do so with the approval of a majority vote of City Council.* Any item so removed from the Consent Agenda shall be considered after other items on the consent portion of the agenda have been heard. *(Rules of Procedure for the City Council, Article 10, as amended April 12, 1999.)*

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**Approval of Consent Agenda****E-1**Suggested Resolution

Resolution #2000-

Moved by

Seconded by

RESOLVED, That all items as presented on the Consent Agenda are hereby approved as presented with the exception of Item(s) \_\_\_\_\_, which shall be considered after Consent Agenda (E) items, as printed.

Yes:

No:

**Closed Session**

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**E-2**Suggested Resolution

Resolution #2000-

RESOLVED, That the City Council of the City of Troy shall meet in Closed Session as permitted by State Statute MCLA 15.268, Section 8 (d), (e) Schoenherr v City of Troy, Treba v City of Troy, City of Troy v Schmidt and City of Troy v Dunkin Donuts, after adjournment of this meeting.

**Bid Award – Snow Removal Rental Equipment Including Operators**

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**E-3**Suggested Resolution

Resolution #2000-

RESOLVED, That contracts for equipment rental, operator salary, fuel, insurance and all other related costs for contract snow removal services to supplement City staff during severe snow storms with an option to renew for one additional season are hereby awarded to Sterling Topsoil and Grading, and Wood Construction & Maintenance, L.L.C. at hourly rates pursuant to the bid tabulation dated October 26, 2000, a copy of which shall be attached to the original Minutes of this meeting, contingent upon contractor submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements; and

BE IT FURTHER RESOLVED, That City staff is authorized to extend the hourly contract prices to other contractors, after the successful bidders have been employed, to speed the snow removal process during times of snow emergencies.

**2001 Membership Dues – National League of Cities**

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**E-4**Suggested Resolution

Resolution #2000-

RESOLVED, That the annual membership dues to the National League of Cities are hereby approved in the amount of \$4,703.00 for the fiscal year January 1, 2001 through December 31, 2001.

**Bid Award - Police/Fire Uniforms**

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**E-5**Suggested Resolution

Resolution #2000-

RESOLVED, That a two-year contract, with an option to renew for two additional one-year periods, to provide Police and Fire uniforms is hereby awarded to the lowest acceptable bidder, Metropolitan Uniform Company, at unit prices contained in the bid tabulation opened October 23, 2000, a copy of which shall be attached to the original Minutes of this meeting at an estimated annual cost of \$33,510.00.



**Request for Public Hearing for Commercial Vehicle Appeal - 5578 John R****E-6**Suggested Resolution

Resolution #2000-

RESOLVED, That a Public Hearing is hereby established for Monday, December 18, 2000, to consider the request from Bernice Neiman to park a commercial vehicle outside in a residential district at 5578 John R, Troy, MI 48098, on Parcel # 88-20-12-152-006.

**Bid Award – Street Tree Installation On Medians Of Square Lake Road And Long Lake Road.****E-7**Suggested Resolution

Resolution #2000-

RESOLVED, That a contract for the installation of street trees on Square Lake Rd. and Long Lake Rd. is hereby awarded to the low bidder meeting specifications, Davey Tree Expert Company, at an estimated total cost of \$64,960.00 contingent upon contractor submission of properly executed bid and contract documents, including bonds, insurance certificates and all other specified requirements; and

BE IT FURTHER RESOLVED, That if additional work is required that could not be foreseen, such additional work is authorized in an amount not to exceed 10% of the total project cost.

**Bid Waiver - Night Vision Rifle Scopes****E-8**Suggested Resolution

Resolution #2000-

WHEREAS, ITT Industries Night Vision is the sole source provider of Night Vision Rifle Scopes; and

WHEREAS, The equipment currently being used is over 13 years old and needs to be replaced; and

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby waived and a contract is hereby awarded to ITT Industries Night Vision at an estimated total cost of \$20,986.80, which includes freight.

**Approval of Contract for Installation of Municipal Improvements (Private Agreements) – Kids Learning Center, 5940 John R, Project No. 00.953.3****E-9**Suggested Resolution

Resolution #2000-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Joannie T. Morris, is hereby approved for the installation of water main and paving at 5940 John R, Project No. 99.954.3, and the Mayor

and City Clerk are authorized to execute the documents, a copy of which shall be attached to the original Minutes of this meeting.

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**F.Y. 2002 Tri-Party Program – Increase in Funding****E-10**Suggested Resolution

Resolution #2000-

RESOLVED, That the City of Troy supports the proposed resolution to increase the Oakland County appropriation for the Tri-Party Program, for Fiscal Year 2002, by up to \$1,000,000.00, with an increased match from the RCOC and all local communities.

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**Bid Award for Contract 00-5, Section 22 Water Main Replacement****E-11**Suggested Resolution

Resolution #2000-

RESOLVED, That a contract to complete the Section 22 Water Main Replacement (Contract No. 00-5) opened October 26, 2000 is hereby awarded to the low bidder, A. D. J. Excavating, Inc., at an estimated total cost of \$850,004.01 contingent upon contractor submission of properly executed bid and contract documents, including bonds, insurance certificates and all other specified requirements; and

BE IT FURTHER RESOLVED, That if additional work is required that could not be foreseen, such additional work is authorized in an amount not to exceed 10% of the total project cost in accordance with the unit prices designated on the bid tabulation entitled Section 22 Water Main Replacement, Contract 00-05, a copy of which shall be attached to the original Minutes of this meeting.

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**Metromedia Fiber Network Services Telecommunications Permit Agreement****E-12**Suggested Resolution

Resolution #2000-

RESOLVED, That the Telecommunications Permit Agreement between the City of Troy and Metromedia Fiber Network Services Telecommunications is hereby approved, the Mayor and City Clerk are authorized to execute the documents, and a copy shall be attached to the original Minutes of this meeting.

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**Bid Award for Contract 00-6, Section 23 Water Main Replacement****E-13**Suggested Resolution

Resolution #2000-

RESOLVED, That a contract to complete the Section 23 Water Main Replacement (Contract No. 00-6) opened October 26, 2000 is hereby awarded to the low bidder, L. D'Agostini & Sons, Inc. at an estimated total cost of \$1,035,454.50 contingent upon contractor submission of properly executed bid and contract documents, including bonds, insurance certificates and all other specified requirements; and

BE IT FURTHER RESOLVED, That if additional work is required that could not be foreseen, such additional work is authorized in an amount not to exceed 10% of the total project cost in accordance with the unit prices designated on the bid tabulation entitled Section 23 Water Main Replacement, Contract 00-06, a copy of which shall be attached to the original Minutes of this meeting.

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**Schedule an Executive Session – City Manager and City Attorney Evaluations** **E-14**

Suggested Resolution  
Resolution #2000-

RESOLVED, That an Executive Session be set for December 18, 2000, at 6:00 PM in Conference Room C of Troy City Hall to discuss the City Manager's and City Attorney's Evaluations.

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**Establish Special Meetings for 2000 Liquor License Violation Hearings** **E-15**

Suggested Resolution  
Resolution #2000-

RESOLVED, That Special Meetings are hereby established for Monday, February 26, 2001 and Wednesday, February 28, 2001, at 7:30 p.m. at City Hall, 500 W. Big Beaver, and Violations Hearings are set for that date to consider 2000 Liquor Violations.

**REGULAR BUSINESS**

**Nominations/Appointments to Boards and Committees: (a) Animal Control Appeal Board; (b) Advisory Committee for Persons with Disabilities; (c) Charter Revision Commission; (d) Downtown Development Authority; (e) Economic Development Authority; (f) Municipal Building Authority** **F-1**

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Suggested Resolution  
Resolution #2000-  
Moved by  
Seconded by

RESOLVED, That the following persons are hereby appointed by the City Council to serve on the Boards and Committees as indicated:

**a) Animal Control Appeal Board**

Council Appointment

\_\_\_\_\_ Term Expires 09-30-2003

**b) Advisory Committee for Persons with Disabilities**

Council Appointment

\_\_\_\_\_ Term Expire 11-01-2003

\_\_\_\_\_ Term Expire 11-01-2003

\_\_\_\_\_ Term Expire 11-01-2003

**c) Charter Revision Committee**

Council Appointment

\_\_\_\_\_ Term Expires 04-30-2003

**(d) Downtown Development Authority**

Mayor with Council Approval

\_\_\_\_\_ Student Rep – Term Expires 07-01-2001

**(e) Economic Development Authority**

Mayor with Council Approval

\_\_\_\_\_ Term Expires 04-30-2003

\_\_\_\_\_ Term Expires 04-30-2003

**(f) Municipal Building Authority**

Mayor with Council Approval

\_\_\_\_\_ Term Expires 1-31-2002

Yes:

No:

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**Proposed Study Session with the Road Commission for Oakland County**

**F-2**

**Suggested Resolution**

Resolution #2000-

Moved by

Seconded by

RESOLVED, That a Study Session be set for January 22, 2001, at 7:30 PM in the Lower Level Conference Room of Troy City Hall to discuss the Road Commission for Oakland County's strategic plan and Troy's property maintenance code.

Yes:

No:

**Rochester Road Median Extension to Torpey Street**

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F-3

Suggested Resolution

Resolution #2000-

Moved by

Seconded by

**(a) Continuation of Rochester Road Median as Currently Constructed**

WHEREAS, The median extension on Rochester Road to Torpey Street at a cost of \$27,930.00 may only provide marginal safety benefits; and

WHEREAS, The current design is not unsafe; and

WHEREAS, The Troy Schools; Transportation Director is opposed to extension of the median and has stated that the current configuration of the median is safer for their school buses making left turns onto southbound Rochester Road from Torpey Street; and

WHEREAS, The next Phase of the widening of Rochester Road from Torpey to Barclay would enhance safety in the area by extending the median north through the Wattles Road intersection.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby denies the proposal to extend the Rochester Road median to Torpey Street.

**OR****(b) Approval of Rochester Road Median Extension North to Torpey Street**

RESOLVED, That the City Council of the City of Troy hereby approves the proposal to extend the Rochester Road median to Torpey Street by way of a temporary asphalt median at a cost not to exceed \$27,930.00.

BE IT FURTHER BE RESOLVED, That the City Engineer is hereby directed to modify the current Rochester Road contract to include an asphalt median extension from the current median terminus to Torpey Street.

Yes:

No:

**Community Center Ground Breaking Ceremony**

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F-4

Suggested Resolution

Resolution #2000-

Moved by

Seconded by

RESOLVED, That the City Council of the City of Troy set the ground breaking ceremony for the Community Center for Thursday, December 14, 2000, at 10:00 AM or Friday, December 15, 2000 at 10:00 AM; or in March with an exact date and time to be set at a later date.

Yes:

No:

**Request from LaShish, Inc. (a) To Transfer Ownership of Class C License  
Currently in Escrow at 3720 Rochester, Troy, MI 48083, Oakland County, from  
Jacques Food & Spirit, Inc. [MLCC REF #91831]; (b) Approval of Agreement**

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**F-5**

A copy of the Liquor Advisory Committee Minutes is located under Agenda Item G-2.

**(a) License Transfer**

Suggested Resolution

Resolution #2000-

Moved by

Seconded by

RESOLVED, That the request from LaShish, Inc., to transfer ownership of a 2000 Class C Licensed Business located in escrow at 3720 Rochester Road, Troy, MI 48083, Oakland County, from Jacques Food & Spirits, Inc., [MCL REF#91831], be considered for approval.

It is the consensus of this legislative body that the application be recommended for issuance.

Yes:

No:

**(B) Agreement**

Suggested Resolution

Resolution #2000-

Moved by

Seconded by

WHEREAS, The City Council of the City of Troy deems it necessary to enter agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby approves an agreement with LaShish, Inc., which shall become effective upon approval of the transfer of a 2000 Class C Licensed Business at 3720 Rochester Road, Troy, MI 48083, Oakland County. [MCL REF#91831], and the Mayor and City Clerk are authorized to execute the document, a copy of which shall be attached to the original Minutes of this meeting.

Yes:

No:

**Request from Borman's, Inc. (a) To Transfer Ownership of 2000 Specially Designated Distributor License Currently in Escrow from Patient Prescription Center, Inc., and Transfer Location from 1304 Livernois, Troy, MI 48083, Oakland County, to 3125 John R, Troy, MI 48083, Oakland County, [MLCC REF #91831]; (b) Approval of Agreement**

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F-6

A copy of the Liquor Advisory Committee Minutes is located under Agenda Item G-2.

**(a) License Transfer**

Suggested Resolution

Resolution #2000-

Moved by

Seconded by

RESOLVED, That the request from Borman's, Inc., to transfer ownership of a 2000 Specially Designated Distributor License, currently in escrow, from Patient Prescription Center, Inc., and transfer location from 1304 Livernois, Troy, MI 48083, Oakland County, MI, to 3125 John R, Troy, MI 48083, Oakland County, MI, [MCL REF#86136], be considered for approval.

It is the consensus of this legislative body that the application be recommended for issuance.

Yes:

No:

**(b) Agreement**

Suggested Resolution

Resolution #2000-

Moved by

Seconded by

WHEREAS, The City Council of the City of Troy deems it necessary to enter agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby approves an agreement with Borman's, Inc., which shall become effective upon approval of the transfer of a 2000 Specially Designated Distributor License, located at 3125 John R, Troy, MI 48083, Oakland County, MI, [MCL REF#86136], and the Mayor and City Clerk are authorized to execute the document, a copy of which shall be attached to the original Minutes of this meeting.

Yes:

No:

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**Virtual Reality Modeling**

F-7

Suggested Resolution

Resolution #2000-

Moved by

Seconded by

WHEREAS, The Civic Center site is an important development for the City of Troy; and

WHEREAS, The Troy City Council has reviewed virtual reality models and found them to be helpful as an informational tool in the consideration of future developments.

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council directs management to develop a competitive RFP for a virtual model of the Civic Center, and requests the DDA to fund this project.

Yes:

No:

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**Request for Approval to Pay Early Appraisal Delivery Fee – Dean Appraisal Company – Livernois Widening Project #95.201.5**

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F-8

Suggested Resolution

Resolution #2000-

Moved by

Seconded by

WHEREAS, The construction deadline for the Livernois widening project is earlier due to needs of Detroit Edison to relocate their poles in the project area, it is recommended that in order to expedite delivery of the 26 appraisals prior to the due date of December 11, 2000, Dean Appraisal Company be offered a \$5,000.00 early delivery fee;

NOW, THEREFORE, BE IT RESOLVED, That City Council approves the payment of \$5,000.00 as an early delivery fee, in addition to their quoted proposal of \$63,500.00, if all 26 Livernois appraisals are delivered to the Real Estate and Development Department prior to December 11, 2000.

Yes:

No:

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**Request for Unconditioned Offers – Temporary Construction and Regrading Permits/Easements - Big Beaver Improvement Projects I-75 to Rochester Road - Project #'s 93.207.6 & 99.207.5 - Parcels # 6N thru 8N, 10N thru 15N, 8S thru 11S**

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F-9

Suggested Resolution

Resolution #2000-

Moved by

Seconded by

WHEREAS, In order to proceed on-schedule with the Big Beaver Improvement Projects from I-75 to Rochester Road, Project #'s 93.207.6 & 99.207.5, it is necessary for the City to obtain



the needed temporary rights to complete the projects as outlined in the memorandum of November 15, 2000, from the Real Estate and Development Department;

BE IT RESOLVED, That the Real Estate and Redevelopment Department is hereby authorized to make unconditional offers for the Regrading and Temporary Construction Permits/Easements on Parcels # 6N-8N, 10N-15N and 8S-11S in the amounts of the Appraisals and closing costs, plus the value of any trees and/or shrubs severely damaged and/or destroyed as a result of the City's projects and which are outlined in the Department memo of November 15, 2000, a copy of which is attached and shall become part of these Minutes; and

BE IT FURTHER RESOLVED, That the City Attorney is hereby authorized, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council, by resolution directed.

Yes:

No:

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### Rezoning Public Notice Policy

F-10

#### Suggested Resolution

Resolution #2000-

Moved by

Seconded by

WHEREAS, It is the common practice and intent of the City of Troy to encourage public participation; and

WHEREAS, The City of Troy has through ordinance requirements and past practices established a pattern of greatly exceeding the State's legal requirements for notification and public participation involving proposed rezonings; and

WHEREAS, After through review the administration recommends enhancing those practices yet further; and

WHEREAS, The City Council and administration believe that these practices should be made official City protocol;

NOW, THEREFORE BE IT RESOLVED, That the City of Troy City Council does hereby declare and enact that the enhanced practice of public notification and participation regarding rezoning requests outlined above are now, and from this day forward, the official policy of the City of Troy for all such future requests that may be submitted; and that

IT IS FURTHER BE RESOLVED, That copies of this policy shall be provided to all affected departments of the City.

Yes:

No:

**Troy v Schmidt and Michigan National Bank (Rochester Road Widening Project)** F-11

Suggested Resolution

Resolution #2000-

Moved by

Seconded by

RESOLVED, That the Partial Consent Judgment between the City of Troy and Michigan National Bank is approved, the City Attorney is authorized to sign the document and enter it with Oakland County Circuit Court, a copy of which shall be attached to the Minutes of this meeting.

Yes:

No:

**Troy v Torpey (The Strip Mall) (Rochester Road Widening Project)** F-12

Suggested Resolution

Resolution #2000-

Moved by

Seconded by

RESOLVED, That the Consent Judgment between the City of Troy and Dennis E. Torpey, et al is approved, the City Attorney is authorized to sign the document and enter it with Oakland County Circuit Court, a copy of which shall be attached to the Minutes of this meeting.

Yes:

No:

**COUNCIL COMMENTS**

**COUNCIL REFERRALS**

**VISITORS**

Any person not a member of the Council may address the Council with the permission of the Mayor, after clearly stating the nature of his/her inquiry. Any such matter may be deferred to another time or referred for study and recommendation upon the request of any one Council Member except that by a majority vote of the Council Members elect, said matter may be acted upon immediately. The Mayor may require that such inquiries or comments be heard at such time as the related subject may appear on the prepared Agenda. No person not a member of the Council shall be allowed to speak more than twice or longer than five (5) minutes on any question, unless so permitted by the Chair.

The Council may waive the requirements of this section by a majority of the Council Members elect. (Rules of Procedure for the City Council, Article 12, as amended April 12, 1999.)

### **REPORTS AND COMMUNICATIONS**

<b>Council Referrals</b>	<b>G-1</b>
<b>Minutes - Boards and Committees</b>	<b>G-2</b>
(a) Animal Control Appeal Board – March 1, 2000	
(b) Animal Control Appeal Board – September 6, 2000	
(c) Committee for Persons with Disabilities – October 4, 2000	
(d) Planning Commission – October 10, 2000	
(e) Troy Daze – October 24, 2000	
(f) Building Board of Appeals – November 1, 2000	
(g) Troy Public Library – November 9, 2000	
(h) Liquor Advisory Committee – November 13, 2000	
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Respectfully submitted,

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John Szerlag, City Manager